

UNITED STATES DISTRICT COURT

for the
Southern District of Texas

APR 19 2019

David J. Bradley, Clerk

United States of America
v.
Oscar RODRIGUEZ Jr. YOB: 1989 U.S.CCase No. M-19-0878-MDefendant

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date of 04/18/2019 in the county of Hidalgo in the Southern District of
Texas, the defendant violated Title 18 U. S. C. § Section 922g(3)
, an offense described as follows:

It is illegal for any person, namely an individual who is an unlawful user or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act -21 U.S.C. 802) to illegally possess a firearm and ammunition: to wit one Glock, model 26, 9mm pistol that has previously traveled in and affected interstate commerce.

This criminal complaint is based on these facts:

SEE ATTACHMENT A

☒ Continued on the attached sheet.Approved by Danilo A. Lindemann
D. Lindemann 4/19/19

Sworn to before me and signed in my presence.

Date: 04/19/20198:53 amCity and state: McAllen, TX

Complainant's signature

Michael Cardenas ATF Senior Special Agent

Printed name and title



Judge's signature

Peter Ormsby

Printed name and title

ATTACHMENT A

Your Affiant spoke with ATF Special Agent Carlos Delgado, who is a recognized expert in the interstate and foreign commerce travel of firearms and ammunition. Special Agent Delgado conducted a preliminary examination of one of the firearms (Glock, model 26, 9mm pistol) and determined that the Glock, model 26, 9mm pistol was manufactured outside the State of Texas. Therefore, the firearm examined had previously traveled in interstate or foreign commerce at some point prior to being possessed by any person in the State of Texas.

Based on the above information, RODRIGUEZ Jr. was in possession of the Glock, model 26, 9mm pistol in violation of Title 18, United States Code, Section 922(g)(3).

ATTACHMENT A

This affidavit is in support of the criminal complaint charging Oscar RODRIGUEZ Jr. (hereinafter referred to as "RODRIGUEZ Jr.") with the criminal violation set forth in Attachment A. The evidence available to me demonstrates that there is probable cause to believe that RODRIGUEZ Jr. has violated Title 18 U.S.C 922(g) (3) which provides as follows: It should be unlawful for any person who, is an unlawful user or addicted to any controlled substance (as defined in section 102 of the Controlled Substances Act -21 U.S.C. 802) to illegally possess a firearm and ammunition that has previously traveled in and affected interstate commerce.

Further, the affiant states as follows:

On April 18, 2019, your affiant received information from the Weslaco Police Department (WPD) regarding RODRIGUEZ Jr. who was found to be in possession of four (4) firearms. WPD Investigators stated that a State Search Warrant had been executed at RODRIGUEZ Jr.'s residence in Mercedes, TX for suspected narcotics and firearms. As a result of the search warrant four (4) firearms namely: One (1) Glock, model 26, 9mm pistol, one (1) Glock, model 27, .40 caliber pistol, one (1) Beretta, model PX4 Storm, .45 caliber pistol, one (1) Winchester 12 gauge shotgun, and a duffel bag containing assorted ammunition were seized. During a post Miranda statement made by RODRIGUEZ Jr., at his residence, he admitted to Investigators that the Winchester 12 gauge shotgun belonged to him. RODRIGUEZ Jr. stated the other three (3) pistols and the duffel bag of assorted ammunition belonged to a friend of his.

On the aforementioned date, your affiant responded to the Weslaco Police Department in Weslaco, TX and met with Investigators. Your affiant along with a WPD Investigator conducted an interview of RODRIGUEZ Jr. The WPD Investigator in the presence of your affiant advised RODRIGUEZ Jr. of his Miranda Rights via a Miranda Rights Form. RODRIGUEZ Jr. signed the form and agreed to speak without the presence of an attorney. RODRIGUEZ Jr. stated he purchased the Winchester 12 gauge shotgun in September or October of 2018. RODRIGUEZ Jr. stated he purchased the shotgun for approximately \$100. RODRIGUEZ Jr. stated he purchased/shot the shotgun during dove season. RODRIGUEZ Jr. stated a friend of his in February of 2019 dropped off the three (3) pistols (Glock model 26, Glock model 27, and Beretta, model PX4) and the duffel bag containing the assorted ammunition with RODRIGUEZ Jr. RODRIGUEZ Jr. stated he placed the duffel bag in a room for safe keeping and the three pistols he placed underneath the drawer of furniture piece found in the living room. RODRIGUEZ Jr. stated he was paid approximately \$500 to safeguard the three pistols and the ammunition.

RODRIGUEZ Jr. stated that he was a drug user and would use cocaine and marijuana on a weekly basis. RODRIGUEZ Jr. further stated that he would smoke marijuana approximately three (3) times a month and would use cocaine three (3) times a week. RODRIGUEZ Jr. stated he would spend about \$40 in cocaine weekly. According to Title 21 USC 812 - Schedule of Controlled Substances cocaine is a Schedule II controlled substance and marijuana is a Schedule I controlled substance.